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January 26, 2007

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John W. Baldi
19 Ledge Street
Melrose, MA 02176

Re: Motion for Witness Fees
Eric Souvannakane v. Sears, Roebuck & Company, et al.
U.S. District Court for the District of Massachusetts C.A. No. 0412164-MLW

Dear Mr. Baldi:

I am in receipt of your recently filed Motion for Witness Fees and other related costs. I regret that you never contacted my office to make such a request before filing your motion. Please be advised that I disagree with your view that you are entitled to the fees and costs you request. Your deposition was taken by way of service of a Notice of Deposition upon a party to the litigation, Sears, for whom you were employed at the time of the relevant incidents. This firm was not privy to any arrangements made by Sears to secure your attendance. There are no witness fees or other costs provided under the Rules of Civil Procedure for attendance at depositions by parties to litigation or their employees.

Nonetheless, in an effort to resolve your concerns without the time and expense of court intervention, my client has authorized me to offer payment to you of \$78.79 which we calculate as being the amount of witness fees you would have been entitled to had you been served with a subpoena to appear. Under federal law, you are entitled to a witness fee of \$40.00 per day, plus actual expenses of travel (here this is the \$29 parking fee you claim to have paid) and a travel allowance at the effective federal mileage rate (here this would be \$.445 per mile for the 22 miles requested in your motion).

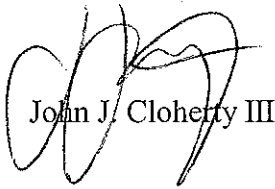
Please contact me to advise whether you will accept such payment and I will instruct my client to promptly tender payment. I am transmitting a copy of this correspondence to the Court and counsel of record because you filed a motion directly with the Court. I look forward to hearing from you in the near future.

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Sincerely,

PIERCE, DAVIS & PERRITANO, LLP



John J. Cloherty III

JJC/mm

cc: Christine M. Netski, Esq. (Via ECF)
Kurt S. Olsen, Esq. (Via ECF)
Honorable Mark L. Wolf (Via ECF)
Peter Roxo